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September 25, 2007

VIA FACSIMILE & U.S. MAIL: 202.219.3923

Dominique Dillenseger, Esq.
Federal Election Commission
999 E Street NW
Washington, DC 20463

Dear Ms. Dillenseger:

Our firm is counsel to Ellen Simon, and Ellen Simon for Congress and its treasurer, in his official capacity (collectively, "Respondents"). We write in response to the Federal Election Commission's finding on August 1, 2007, that there is reason to believe that Respondents violated 2 U.S.C. §§ 434(b) and 441a-1(b).

The facts are not in dispute. After Ellen Simon made a second draw on her home equity line of credit for \$250,000 and used the proceeds to fund her campaign, Respondents were obligated to file a 24-Hour Notice of Expenditure from Candidate's personal funds. They did so a mere five days late. This delay prejudiced no one: there were no other candidates who accepted the maximum contribution from any contributor during that period, and there were no other candidates who accepted contributions under the increased limits of the Millionaires' Amendment after the Form 10 was filed.

Respondents initially also erred in reporting a \$50,000 and a \$225,000 disbursement from the candidate as contributions on their July Quarterly Report. This report was filed on July 4, 2006; Respondents filed an amendment on August 31, 2006, on their own initiative, to correct this error and properly report these disbursements as loans. As your office's Factual & Legal Analysis notes, "The Complaint cited no evidence, nor is there any available information, in support of its claim that this violation was intentional."

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Regarding the reporting of the loans, the Commission recently issued an advisory opinion permitting a candidate to recharacterize two contributions as loans, after a request by the principal campaign committee months after the original disbursements were reported. See Adv. Op. 2007-07 (June 1, 2007).

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Very truly yours,


Brian G. Svoboda
Ezra W. Reese

cc: Charles A. Blanchard

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